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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,602	04/02/2004	William G. Barrus	BOC9-2003-0104-US1 (025)	9699

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EXAMINER	
CHRISTENSEN, SCOTT B	
ART UNIT	**PAPER NUMBER**
2444	

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07/07/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/816,602	BARRUS ET AL.	
	Examiner	Art Unit	
	Scott Christensen	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5,9,10,12,16,17 and 19-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5,9,10,12,16,17 and 19-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in regards to the most recent papers filed on 4/9/2010.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 5, 9-10, 12, 16-17, and 19-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 5, 9-10, 12, 16-17, and 19-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,096,498 to Judge, hereafter referred to as "Judge" in view of US 2002/0199095 to Bandini et al., hereafter referred to as "Bandini."

5. Regarding Claim 1, Judge discloses a cooperative spam processing system comprising:

a plurality of e-mail clients communicatively linked to one another (see e.g. (Fig. 2, 130) workstations on a network running email software);

a plurality of cooperative spam control processors, each of said plurality of cooperative spam control processors coupled to a corresponding one of said e-mail clients (see e.g. Fig. 3), wherein said plurality cooperative spam control processors

comprises are configured to detect spam and to notify others of said cooperative spam control processors of said spam (see e.g. col. 7, lines 19-20); and

a first group administrator for a common group of e-mail clients (see e.g. col. 19, lines 13-16).

However, Judge does not appear to disclose expressly that the first group administrator establishes an agreement with a second group administrator for a different group of e-mail clients for the exchange of spam notifications between members of said common group and members of said different group, said members of said different group having respective cooperative spam control processors; and

at least one member of said common group exchanges said spam notifications with at least one member of said different group based on said agreement.

However, Bandini discloses a system where mail relays share SPAM data (Bandini: Paragraph [0040]). The mail relays, as used in Bandini, are associated with different enterprises (Bandini: Paragraph [0014]), and thus would presumably have different administrators, where the sharing of the SPAM data is part of an agreement between these entities (Bandini: Paragraph [0014]).

Accordingly, it would have been obvious to modify Judge to have the first group administrator establishes an agreement with a second group administrator for a different group of e-mail clients for the exchange of spam notifications between members of said common group and members of said different group, said members of said different group having respective cooperative spam control processors; and at least one member

of said common group exchanges said spam notifications with at least one member of said different group based on said agreement, as in Bandini.

The suggestion/motivation for doing so would have been that the sharing of SPAM data allows for increased detection of SPAM messages (Bandini: Paragraph [0040]).

6. Regarding Claim 5, the claimed invention is substantially similar to that claimed in claim 1, and is rejected for substantially similar reasons.

7. Regarding Claim 9, Judge as modified by Bandini teaches consulting step comprises the step of consulting an internally managed local peer policy (see e.g. col. 19, lines 66-67 & col. 20, lines 1-3).

8. Regarding Claim 10, Judge as modified by Bandini teaches consulting step comprises the step of consulting a centrally managed remote peer policy (see e.g. col. 16, lines 1-4)

9. Regarding Claim 11, the limitations of claim 11 have already been addressed above.

10. Claim 12, lists all the same elements of claim 5, in a machine readable storage having stored thereon a computer program form rather than system form. Therefore, the supporting rationale of the rejection to claim 5 applies equally as well to claim 12.

11. Claim 16, lists all the same elements of claim 9, in a machine readable storage having stored thereon a computer program form rather than system form. Therefore, the supporting rationale of the rejection to claim 9 applies equally as well to claim 16.

12. Claim 17, lists all the same elements of claim 10, in a machine readable storage having stored thereon a computer program form rather than system form. Therefore, the supporting rationale of the rejection to claim 10 applies equally as well to claim 17.

13. With regard to claim 19, Judge as modified Bandini teaches that said agreement establishes a policy that determines which level of trust to apply to spam notifications emanating from other ones of the computing groups (Bandini: Paragraph [0040]. There is no disclosure in Bandini of any different levels of trust being established for notifications, meaning that a policy is established which uses a same level of trust for received notifications, and is thus determined to be the same level.).

14. With regard to claim 20, Judge as modified by Bandini teaches that the level of trust is at the same level as those notifications emanating from within a respective computing group (Bandini: Paragraph [0040]).

15. With regard to claim 21, Judge as modified by Bandini teaches the invention as substantially claimed except that the level of trust is a lower level than those spam notifications emanating from within a respective computing group.

However, Official Notice (See MPEP 2144.03) is taken that it would have been well known to assign notifications or warnings from other entities a level of trust that is lower than self made notifications or warnings, requiring that some sort of confirmation be made of received notifications or warnings.

Accordingly, it would have been obvious to have the level of trust being a lower level than those spam notifications emanating from within a respective computing group.

The suggestion/motivation for doing so would have been that a network administrator may not want to completely trust the warnings from other networks, as other networks may have vulnerabilities or glitches that are out of the control of the network administrator. Further, another network may have different thresholds for what constitutes SPAM, such that accepting all notifications at an equal level may result in more false positives. Thus, having some sort of confirmation required, and thus having received notifications being at a lower level of trust, allows the administrator to ensure that the received notifications are compliant with the administrator's own local policies.

16. With regard to claim 22, Judge as modified by Bandini teaches the invention as substantially claimed except that said first group administrator authorizes and controls membership in said common group of e-mail clients.

However, Official Notice is taken that it would have been well known to have an administrator control group membership.

Accordingly, it would have been obvious to have the first group administrator authorize and control membership in said common group of e-mail clients.

The suggestion/motivation for doing so would have been that in systems where membership needs to be controlled for security and/or privacy reasons, the membership of the group needs to be controlled. Thus, by allowing an administrator to authorize and control membership, the administrator may ensure that clients joining the group conform to the policies of the network.

17. With regard to claims 23-26 and 27-30, the instant claims are substantially similar to claims 19-22, and are rejected for substantially similar reasons.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./
Examiner, Art Unit 2444
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444